



ATTORNEYS AT LAW



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
John M. Covert
Robert C. Millionig
Donald J. Featherstone
Timothy J. Shea, Jr.
Michael V. Messinger
Judith U. Kim
Mark Fox Evens
Jeffrey T. Helvey
Eldora L. Ellison
Donald R. Banowitz
Peter A. Jackman
Brian J. Del Buono

Elizabeth J. Haanes
Michael D. Specht
Kevin W. McCabe
Glenn W. Perry
Theodore A. Wood
Gaby L. Longworth
Edward W. Yee
Grant E. Reed
Jason D. Eisenberg
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Lori A. Gordon
Shannon A. Carroll
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose
Scott A. Schaller
Lei Zhou

W. Blake Coblenz
James J. Pohl
John T. Haran
Mark W. Rygiel
Michael R. Malek
Carla Ji-Eun Kim
Doyle A. Siever
Ulrike Winkler Jenks
Paul A. Calvo
C. Matthew Rozier
Randall K. Baldwin
Lori M. Brandes
Jeremy M. Klass
Stephanie L. Elmer
Jeffrey K. Mills
Mita Mukherjee
Scott M. Woodhouse
Peter A. Socarras
Christian A. Camarce
Richard D. Collier
Patrick P. Hansen
Ross G. Hicks

Keisha Hylton-Rodic
Gene A. Lang
Bonnie Nannenga-Combs
Alyssa K. Sandrowitz
Jonathan M. Strang
Ishan P. Weerakoon
Chenghua Luo
Salvador M. Bezos
Bruce B. Vance
Justin T. Sher
Byron L. Pickard
Kellie K. DiNapoli
Richard B. Almon
Christopher B. Ferenc
Jeffrey R. Fougere
William P. Ladd

Registered Patent Agents
Karen R. Markowicz
Danielle L. Letting
Steven C. Oppenheimer
Aaron S. Lukas

Gaurav Asthana
Yasser Mourtada
Cynthia L. DeRenzo
Omar F. Amin
Ralph W. Powers III
Erin C. Wong
Joseph E. Mutschelknaus
Kavon Nasabzadeh
Aaron S. Ward

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Christopher P. Wrist
David C. Isaacson

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July 6, 2009

WRITER'S DIRECT NUMBER:

(202) 772-8836

INTERNET ADDRESS:

LBRANDES@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1644

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/565,885; § 371 Date: January 25, 2006
For: Administration of Anti-Cytokine F(ab')₂ Antibody Fragments
Inventors: LÓPEZ DE SILANES *et al.*
Our Ref: 2399.0080000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover the Information Disclosure Statement fee;
2. First Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
3. Form PTO/SB/08A (1 sheet) listing 14 documents (US21-US29 and FP4-FP8);
4. Form PTO/SB/08B (4 sheets) listing 33 documents (NPL36-NPL68); and
5. Copies of cited documents FP4-FP8 and NPL36-NPL68.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents

July 6, 2009

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Lori M. Brandes". The signature is fluid and cursive, with the first name "Lori" being more prominent.

Lori M. Brandes
Attorney for Applicants
Registration No. 57,772

LMB/pcd

Encls.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LÓPEZ DE SILANES *et al.*

Appl. No.: 10/565,885

§ 371 Date: January 25, 2006

For: **Administration of Anti-Cytokine
F(ab')₂ Antibody Fragments**

Confirmation No.: 8053

Art Unit: 1644

Examiner: Skelding, Zachary S.

Atty. Docket: 2399.0080000

**First Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. § 1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on March 16, 2007 in connection with the above-captioned application.

Copies of documents **FP4** to **FP8** and **NPL36** to **NPL68** are submitted. However, copies of U.S. patents and patent application publications cited on the attached Form PTO/SB/08A, documents **US21** to **US29**, are not submitted in accordance with 37 C.F.R. § 1.98(a)(2).

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents **NPL38**, **NPL44**, and **NPL48** cited on Form PTO/SB/08B:

Document **NPL38**, "Aspectos toxicológicos e immunoquímicos del veneno del escorpión *Tityus pachyurus* Pocock de Colombia: capacidad neutralizante de antivenenos producidos en Latinoamérica," *Biomédica*, 8 pages (March 2004), is in the Spanish

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language. An unverified English language translation of document NPL38 is attached as document **NPL39**;

Document **NPL44**, "Alacranes de la Republica Mexicana: Identificación de ejemplares capturados en 235 localidades," *Rev. Inst. Salubr. Enferm. Trop. (Méx)*, 16 pages (1964), is in the Spanish language. An English language abstract of document NPL44 can be found on page 30 of the reference; and

Document **NPL48**, Hoffman, C.C., "Monografías Para la Entomologica Medica de Mexico, Los Scorpiones de Mexico," in: *Anales del Instituto de Biologica*, Ochoterena, I., ed., Universidad Nacional Autonoma de Mexico, Mexico, pp. 243-361 (1932), is in the Spanish language. It appears to discuss the anatomy of the scorpion. An unverified English language translation of the first paragraph is as follows:

With two tarsus thorns, an outside and an interior, in the membrane to articulate that it unites tarsus with protarsus. Sternum of triangular form. 3 to 5 lateral eyes to each side. The pulmonary leaves of type cross-linking. The folded sting glands. Often a tooth exists to subaculear. Operculum genital of the female with the separated valves. Great, very rich eggs in vitelina. When leaving the eggs the follicle, the embryos are developed in the oviduct.

In accordance with the Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith copies of Office Actions from:

U.S. Patent Application No. 09/798,076, now U.S. Patent No. 6,709,655, submitted herewith as Documents **NPL64** and **NPL65**; and

U.S. Patent Application No. 10/690,639, now U.S. Patent No. 7,485,303, submitted herewith as Documents **NPL66-NPL68**.

In addition, the Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 12/326,687, inventors LÓPEZ DE SILANES *et al.*, filed December 2, 2008; published on June 4, 2009 as Publication No. 2009/0142356 A1 and listed as document US29.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This First Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lori M. Brandes
Attorney for Applicants
Registration No. 57,772

Date: 07/06/2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
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